

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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10 HUNT SKANSIE LAND, LLC and
11 RUSHTALMO LLC, Washington Limited
12 Liability Companies,

13 Plaintiffs,

14 vs.

15 THE CITY OF GIG HARBOR, A Washington
16 Municipal Corporation; and STEVEN AND
17 JANE DOE EKBERG; DEREK AND JANE
18 DOE YOUNG; JIM AND JANE DOE
19 FRANICH; PAUL AND JANE DOE CONAN;
20 BOB AND JANE DOE DICK; TIMOTHY AND
21 JANE DOE PAYNE; PAUL AND JANE DOE
22 KADZIK; and KEN AND JANE DOE MALICH,
23 All In Their Individual And Marital Capacities As
24 Well As Well As In Steven Ekberg's, Derek
Young's, Jim Franich's, Bob Dick's, Timothy
Payne's, Paul Conan's, Paul Kadzik's, and Ken
Malich's Capacities as Present or Former
Members of the Gig Harbor City Council,

25 Defendants.

Case No. C10-5027RBL

ORDER

26 THIS MATTER is before the Court on the Defendants' Motion to file an Over length Brief [Dkt. #41];
27 and Defendants' Motion to Strike [Dkt. #45] the Declaration of Jorgerson [Dkt. # 23] filed in Response to
28 the Defendants' Motion for Summary Judgment [Dkt. #13]. Defendants' Motion relates to a five page excess

1 related to their Reply regarding their Motion for Summary Judgment. [Dkt. #13].

2 Also at issue is a four page single spaced letter sent by Plaintiffs' counsel to the Court dated March
3 22, 2010. On its face, the letter appears to be an ex parte communication, but it has become apparent that at
4 least some of the Defendants received a copy. The letter was not Docketed on the CMECF system. It is an
5 Objection to the briefing practices the Defendants, accusing them of repeatedly filing unauthorized, untimely,
6 and over length papers, and of otherwise engaging in prejudicial and burdensome acts not in accordance with
7 the Rules.

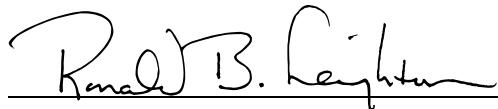
8 As an initial matter, it is generally not appropriate to raise objections or complaints about an
9 adversary's litigation practices in a letter; that is itself a violation of the Rules. If a filing is late,
10 unauthorized, or over length, the proper remedy (if it is worth pursuing at all) is to file a Motion in the usual
11 course. The Plaintiffs' letter will be posted on CMEFC. All parties are urged to comply with the Federal and
12 Local Rules, and future failures to do so may result in sanctions. If and to the extent Plaintiff sought further
13 relief, that Request is DENIED.

14 The Motion to File an Over Length Brief [Dkt. #41] is GRANTED. It is expected that any such
15 motions will be timely filed in the future.

16 The Court is aware of the evidentiary issues in the Jorgerson Dec. The Motion to Strike [Dkt. # 45]
17 is DENIED.

18 The remaining, substantive Motions, (Plaintiff's Motion to Remand [Dkt. #16] and Defendants'
19 Motion for Partial Summary Judgment [Dkt. #13], will be addressed in a separate Order(s).

20 Dated this 2nd day of April, 2010.

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23 RONALD B. LEIGHTON

24 UNITED STATES DISTRICT JUDGE